

**DRAFT/UNAPPROVED
VIRGINIA BOARD OF PHARMACY
MINUTES OF A PANEL OF THE BOARD**

Wednesday, February 13, 2008
Fifth Floor
Conference Room 2

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Richmond, Virginia 23233

Orders/Consent Orders referred to in these minutes are available upon request

CALL TO ORDER: A meeting of a panel of the Board of Pharmacy ("Board") was called to order at 9:30 a.m.

PRESIDING: Bobby Ison, Chairman

MEMBERS PRESENT: John O. Beckner
Gerard Dabney
Jennifer H. Edwards
Leo H. Ross
Brandon K. Yi

STAFF PRESENT: Elizabeth Scott Russell, Executive Director
Cathy M. Reiniers-Day, Deputy Executive Director
Elizabeth M. Revere, Disciplinary Program Specialist
Howard Casway, Senior Assistant Attorney General

QUORUM: With six members of the Board present, a quorum was established.

FELICIA A. JONES
Registration # 0230-007065

A formal hearing was held in the matter of Felicia A. Jones following the summary suspension of her pharmacy technician registration on December 6, 2007, and to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians in Virginia.

Ms. Jones was not present at the hearing. The Panel proceeded in Ms. Jones' absence as the Notice of Formal Hearing dated December 6, 2007, was mailed to Ms. Jones' legal address of record, both regular and certified mail. Mr. Ison ruled that adequate notice was provided to Ms. Jones and the hearing proceeded in her absence.

James Schliessmann, Assistant Attorney General, prosecuted the case with the assistance of Mykl Egan, DHP Adjudication Specialist.

CLOSED MEETING:

Mr. Beckner moved, and the Panel voted 6-0, to convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the Code of Virginia for the purpose to reach a decision in the matter of Felicia A. Jones. Additionally, he moved that Scotti Russell, Cathy Reiniers-Day, and Howard Casway attend the closed meeting.

RECONVENE:

Mr. Beckner moved, and the Panel voted 6-0, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

DECISION:

Mr. Yi moved, and the Panel voted 6-0, to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Schliessmann, and that Felicia A. Jones' right to renew her pharmacy technician's registration be revoked (Attachment #1).

ANGEL D. ROBESON
Registration # 0230-010971

A formal hearing was held in the matter of Angel D. Robeson following the summary suspension of her pharmacy technician registration on December 5, 2007, and to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians in Virginia.

Ms. Robeson was not present at the hearing. The Panel proceeded in Ms. Robeson's absence as the Notice of Formal Hearing dated December 5, 2007, was mailed to Ms. Robeson's legal address of record, both regular and certified mail. Mr. Ison ruled that adequate notice was provided to Ms. Robeson and the hearing proceeded in her absence.

William Clay Garrett, Assistant Attorney General, prosecuted the case with the assistance of Mr. Egan.

CLOSED MEETING:

Mr. Beckner moved, and the Panel voted 6-0, to convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the Code of Virginia for the purpose to reach a decision in the matter of Angel D. Robeson. Additionally, he moved that Scotti Russell, Cathy Reiniers-Day, and Howard Casway attend the closed meeting.

RECONVENE:

Mr. Beckner moved, and the Panel voted 6-0, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

DECISION:

Mr. Yi moved, and the Panel voted 6-0, to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Garrett and amended by the Panel and read by Mr. Casway (Attachment 2).

Mr. Yi moved, and the Panel voted 6-0, that Angel D. Robeson's right to renew her pharmacy technician's registration be revoked.

DANA L. POLSTON

Registration #0230-009673

A formal hearing was held in the matter of Dana L. Polston following the summary suspension of her pharmacy technician registration on August 24, 2007, and to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians in Virginia.

Mr. Garrett prosecuted the case with the assistance of Mr. Egan.

Nan Dunaway, DHP Pharmacy Inspector, and Karen Moore, Pharmacist, Bayview Pharmacy, testified on behalf of the Commonwealth.

Ms. Polston testified on her own behalf.

CLOSED MEETING:

Mr. Beckner moved, and the Panel voted 6-0, to convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the Code of Virginia for the purpose to reach a decision in the matter of Dana L. Polston. Additionally, he moved that Scotti Russell, Cathy Reiniers-Day and Howard Casway attend the closed meeting.

RECONVENE:

Mr. Beckner moved, and the Panel voted 6-0, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

DECISION:

Mr. Yi moved, and the Panel voted 6-0, to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Garrett and amended by the Panel and read by Mr. Casway (Attachment 3).

Mr. Yi moved, and the Panel voted 6-0, to continue Ms. Polston's pharmacy technician's registration on indefinite suspension. Said suspension shall be stayed upon evidence that Ms. Polston has submitted the required application and fees for the renewal of her registration and upon evidence that she has signed a Recovery monitoring Contract with HPIP.

KIMBERLEE A. BROWN
License # 0202-204577

Mr. Garrett presented a signed Consent Order to the Board for consideration in lieu of proceeding to the formal hearing regarding this matter.

DECISION:

Mr. Yi moved, and the Panel voted 6-0 to modify standard language per board counsel, accept the amended Consent Order and authorize Ms. Russell to sign the Consent Order when received. The Consent Order made certain Findings of Fact and Conclusions of Law and reinstates Ms. Brown's pharmacist license with terms and conditions (Attachment 4).

CARLEEN C. PHILPOT
Registration # 0230-005520

Ms. Reiniers-Day presented a signed Consent Order to the Board for consideration in lieu of proceeding to the formal hearing regarding this matter.

DECISION:

Mr. Beckner moved, and the Panel voted 6-0 to accept the signed consent order for the indefinite suspension of Ms. Philpot's right to renew her registration (Attachment 5).

OTHER:

Ms. Russell and Ms. Reiniers-Day discussed Orders and Consent Orders that are already entered wherein respondents participate with the Health Practitioners' Intervention Program ("HPIP"), however, for a variety of reasons, there are additional terms and conditions. It was requested that the Panel authorize the sending of pre-hearing Consent Orders to these respondents wherein the only term requires their compliance with their HPIP contract.

Mr. Beckner moved, and the Panel voted 6-0 that pre-hearing Consent Orders be offered to certain respondents

with existing Orders or Consent Orders wherein the only term requires their compliance with their HPIP contract. Further, the Panel gives the Executive Director the authority to enter the document on behalf of the Board.

ADJOURN:

With all business concluded, the meeting adjourned at 3:00 p.m.

Cathy M. Reiniers-Day
Deputy Executive Director

Bobby Ison, Chairman

Date

Attachment 1
Board of Pharmacy
Formal Hearings – Panel
February 13, 2008

Felicia A. Jones
Registration # 0230-007065

Findings of Fact:

Conclusions of Law:

Sanction:

Attachment 2
Board of Pharmacy
Formal Hearings – Panel
February 13, 2008

Angel D. Robeson
Registration #0230-010971

Findings of Fact:

Conclusions of Law:

Sanction:

Attachment 3
Board of Pharmacy
Formal Hearings – Panel
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Dana L. Polston
Registration #0230-009673

Findings of Fact:

Conclusions of Law:

Sanction:

Attachment 4
Board of Pharmacy
Formal Hearings – Panel
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Kimberlee A. Brown
License # 0202-204577

Findings of Fact:

Conclusions of Law:

Sanction:

Attachment 5
Board of Pharmacy
Formal Hearings – Panel
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Carleen C. Philpot
Registration # 0230-005520

Findings of Fact:

Conclusions of Law:

Sanction: